

Entered - 08-09-99 - sb
CL 99L0489 - ALEXIS HOLMES

00-*p*-1717

CLAIM OF: **WILLIAM B. MCCRARY**
1198 Lanier Boulevard, NE.
Atlanta, Georgia 30306

For property damages alleged to have been sustained as a result of a sewer back-up on June 22, 1999 at 1198 Lanier Boulevard, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WILLIAM B. MCCRARY** the sum of **\$982.01** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a sewer back-up on June 22, 1999 at 1198 Lanier Boulevard, NE. as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED

NOV 15 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

FORABLE REPORT

Public Safety

10/31/00

N-C. Clela Wilson

Dan Smith

Michael [Signature]

[Signature]

[Signature]

[Signature]

CONSENT AGENDA

ADOPTED BY
NOV 06 2000
COUNCIL

CERTIFIED
NOV 6 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
NOV 06 2000
MUNICIPAL CLERK
Rosalind Rubens Newell



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1717

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **William B. McCrary** in the sum of **\$982.01** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **result of a sewer back-up on June 22, 1999 at 1198 Lanier Boulevard, NE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

NOV 06, 2000

NOV 15, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0173

Date: October 19, 2000

Claimant /Victim WILLIAM B. MCCRARY

BY: (Atty) (Ins. Co.)

Address: 1198 Lanier Boulevard, NE., Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ 982.01 Bodily Injury \$

Date of Notice: 7/19/99 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 2/25/98 and 6/22/99 Place: 1198 Lanier Boulevard, NE.

Department PUBLIC WORKS Division Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damage when sewage backed up into the basement of his home. An investigation determined that the sewage back-up was caused by a blockage in the City's mainline. The City had prior knowledge of this condition and failed to adequately correct it.

INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral

Pictures Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 982.01 Adverse Account charged: 1A01 2J01 X 2H01

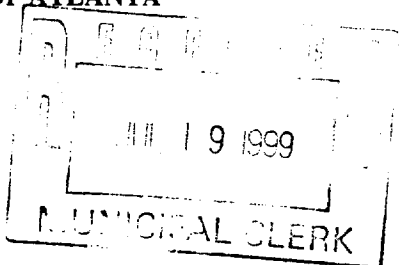
Claims Manager:  Concur/date 10-19-00

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Jordan
08/04/99



Today's Date: June 22, 1999

ENTERED - 8-9-99 - SB
99L0489 - DOBBS JORDAN

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 982.01 property and /
\$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 6/22/99 2. Time of Incident: 7:45am 3. Police called: _____ ☒ Yes ☐ No
(month/day/year).

4. Location of incident (including street address): 1198 Lanier Blvd NE Atlanta 30306

5. Name of your insurance company: Liberty Mutual Policy No. H32-258-139378

6. State what and how incident occurred: The city sewage line became obstructed in the line at the street. This caused city raw sewage to back up into my basement to a level of approx. one foot deep.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Calvin Gray, supervisor City of Atlanta Sewage Dept. (404) 624-0752
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

William B. McCrory
Signature of Claimant

William B. McCrory
(Print Claimant's Name)

1198 Lanier Blvd, NE
(Address)

Atlanta, GA 30306
(City, State and Zip Code)

(404) 676-5901 (404) 892-3500
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 99L0489

\$ 982.01

IN CONSIDERATION of the sum of NINE HUNDRED EIGHTY-TWO AND 01/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits,
damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred,
and particularly for or on account of property damage which occurred on or about the 22nd day of June,
1999 at or near 1198 Lanier Boulevard, NE

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 19th day of October, 2000

William B. McCrary (LS)
WILLIAM B. MCCRARY

The above release was read and explained to, and signed by the said _____

William Mc Crary in our presence on the date above written.

_____ in our presence on the date above written.
Ally Holmes
Sherry Butler

 WITNESSES

00- *R* -1717

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
B Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1577 2. 00-O-1586 3. 00-O-1615 4. 00-O-1661 5. 00-O-1663 6. 00-O-1670 7. 00-R-1578 8. 00-R-1685 9. 00-R-1780 10. 00-R-1659 11. 00-R-1688 12. 00-R-1689 13. 00-R-1704 14. 00-R-1722 15. 00-R-1723 16. 00-R-1708 17. 00-R-1774 18. 00-R-1709 19. 00-R-1710 20. 00-R-1711 21. 00-R-1712 22. 00-R-1713 23. 00-R-1714 24. 00-R-1715 25. 00-R-1717 26. 00-R-1718 27. 00-R-1719 28. 00-R-1720 29. 00-R-1721	30. 00-R-1716 31. 00-R-1724 32. 00-R-1725 33. 00-R-1727 34. 00-R-1728 35. 00-R-1729 36. 00-R-1730 37. 00-R-1731 38. 00-R-1732 39. 00-R-1733 40. 00-R-1734 41. 00-R-1735 42. 00-R-1736 43. 00-R-1737 44. 00-R-1738 45. 00-R-1739 46. 00-R-1740 47. 00-R-1741 48. 00-R-1742 49. 00-R-1743 50. 00-R-1744 51. 00-R-1745 52. 00-R-1746 53. 00-R-1747 54. 00-R-1748 55. 00-R-1749 56. 00-R-1750 57. 00-R-1751 58. 00-R-1752	59. 00-R-1753 60. 00-R-1754 61. 00-R-1755 62. 00-R-1756 63. 00-R-1757 64. 00-R-1758 65. 00-R-1759 66. 00-R-1760 67. 00-R-1761 68. 00-R-1762 69. 00-R-1763 70. 00-R-1764 71. 00-R-1765 72. 00-R-1766 73. 00-R-1767 74. 00-R-1768 75. 00-R-1769 76. 00-R-1770 77. 00-R-1771 78. 00-R-1772 79. 00-R-1773